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#3

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

I, the inventor,

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declare that I have reviewed and understand the contents of the specification and claims of U.S. Patent Application Serial No. 09/960,698, and I verily believe that I am the original, first and sole inventor or discoverer of the invention or discovery in

APPLICATION OF BIOINFORMATICS FOR DIRECT STUDY OF UNCULTURABLE MICROORGANISMS

described and claimed in an application for Letters Patent of the United States having Serial No. 09/960,698, and a Filing Date of 21 September 2001; that this application discloses and claims subject matter disclosed in my earlier Provisional patent application of which I hereby claim the benefit under 35 U.S.C. § 119(e), Serial No. 60/235,095, filed 25 September 2000; that as to the subject matter of this application which is common to said earlier application; that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof; that to the best of my knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to my application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of my application on an application filed by myself or my legal representatives or assigns more than twelve months prior to my application in this country; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a); and that no application for patent or inventor's certificate on this invention or discovery has been filed by me or my legal representatives or assigns in any country foreign to the United States, except as follows:

None

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

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PETITION

Wherefore I Pray that Letters Patent be granted to me for the invention or discovery described and claimed in the specification and claims of U.S. Patent Application Serial No. 09/960,698, and I hereby subscribe my name to the specification and claims of U.S. Patent Application Serial No. 09/960,698, Declaration, Power of Attorney and this Petition.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 23, 2001
Date


John J. KILBANE, II

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))—NONPROFIT ORGANIZATIONDocket Number
GTI-1464

Applicant or Patentee: John J. KILBANE, II

Serial or Patent No.: 09/960,698

Filed or Issued: 21 September 2001

Title: APPLICATION OF BIOINFORMATICS FOR DIRECT STUDY OF UNCULTURABLE MICROORGANISMS

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Gas Technology Institute

ADDRESS OF NONPROFIT ORGANIZATION 1700 South Mount Prospect Road
Des Plaines, Illinois 60018

TYPE OF NONPROFIT ORGANIZATION:

☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

NAME OF STATE

CITATION OF STATUTE

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF
LOCATED IN THE UNITED STATES OF AMERICA☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

NAME OF STATE

CITATION OF STATUTE

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e)
for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:☐ the specification filed herewith with title as listed above.☒ the application identified above.☐ the patent identified above.I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the
above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization
having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the
invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that
person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit
organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern or organization exists.☐ each such person, concern or organization is listed below:I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to
small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which
status as a small entity is no longer appropriate. (37 CFR 1.28(b)).I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief
are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements
may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Thomas C. O'Laughlin, Esq.

TITLE IN ORGANIZATION OF PERSON SIGNING General Counsel and Secretary

ADDRESS OF PERSON SIGNING 1700 South Mount Prospect Road, Des Plaines, Illinois 60018

SIGNATURE

DATE